

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JASON MILLER,

Plaintiff,

v.

JENNIFER NASH, *et al.*,

Defendant.

Case No. 2:19-cv-01407-JAD-EJY

**REPORT AND RECOMMENDATION**

Re: Order Granting Application for Leave to  
Proceed *in forma pauperis* (ECF No. 3)

On August 19, 2019, this Court granted Plaintiff Jason Miller's Application for Leave to Proceed *in forma pauperis* (ECF No. 1), and dismissed Plaintiff's Complaint (ECF No. 1-1) without prejudice for failure to state a claim upon which relief can be granted with leave to amend. ECF No. 3. The Order stated that if "Plaintiff chooses to file an amended complaint, Plaintiff must file the amended complaint within 30 days from the date of this Order. Failure to comply with this Order will result in a recommendation that this action be dismissed." *Id.* at 4:3-5.

**RECOMMENDATION**

There having been no Amended Complaint filed as of the date of this recommendation, the Court hereby recommends that this action be dismissed.

DATED THIS 21st day of November, 2019.

  
ELAYNA J. YOUCHAH  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. In 1985, the Supreme Court held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).